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IN THE  
**Supreme Court of the United States**

October Term, 1943.

No. **460**

C. D. ROBINSON, as administrator de bonis non of the  
Estates of Edward S. Ross and Mary C. Ross, de-  
ceased,

Petitioner,

vs.

LINFIELD COLLEGE, a corporation, STATE OF  
WASHINGTON and LEONA P. SANDERSON,  
Respondents.

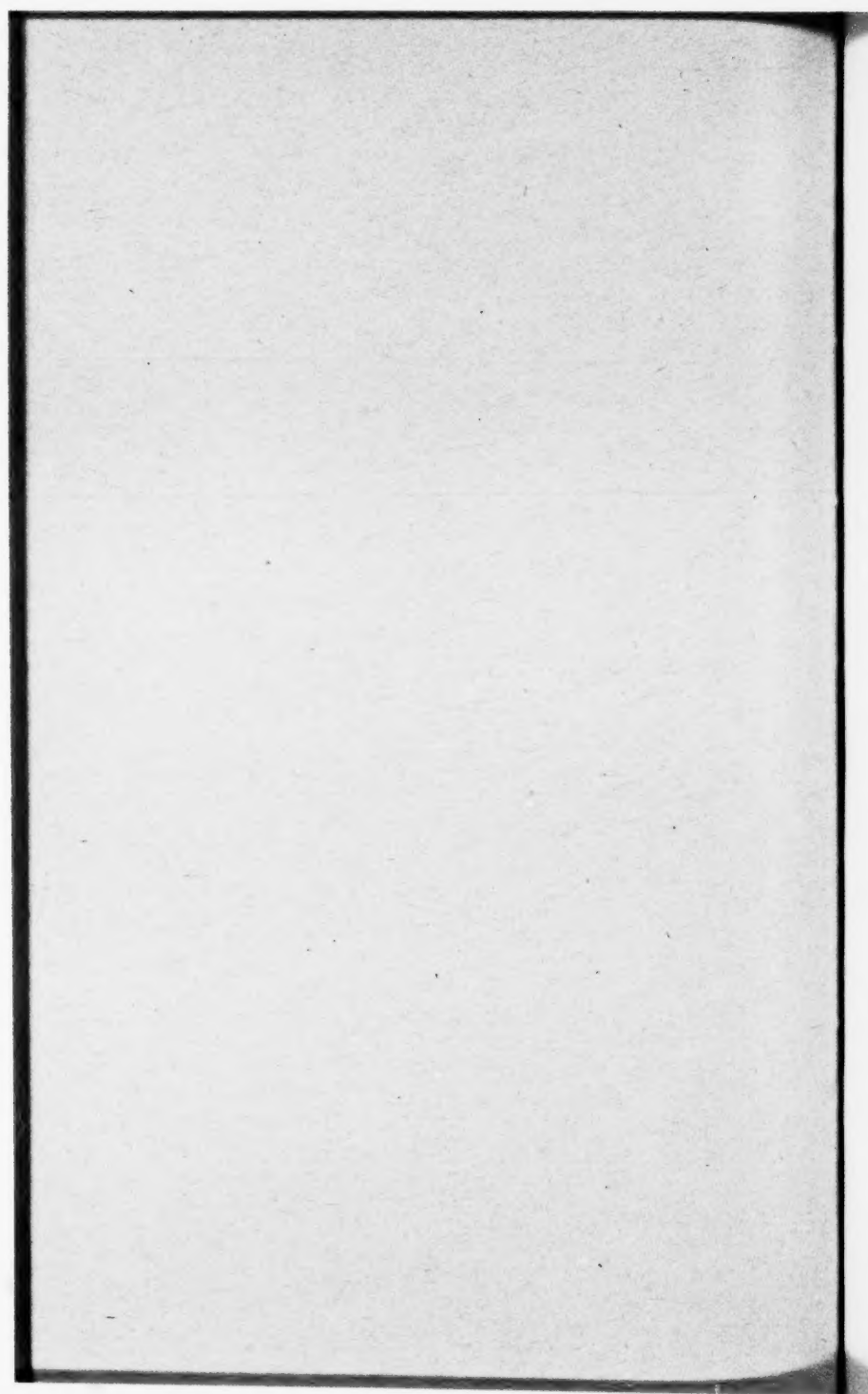
PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES CIRCUIT COURT OF  
APPEALS FOR THE NINTH CIRCUIT AND  
BRIEF IN SUPPORT THEREOF.

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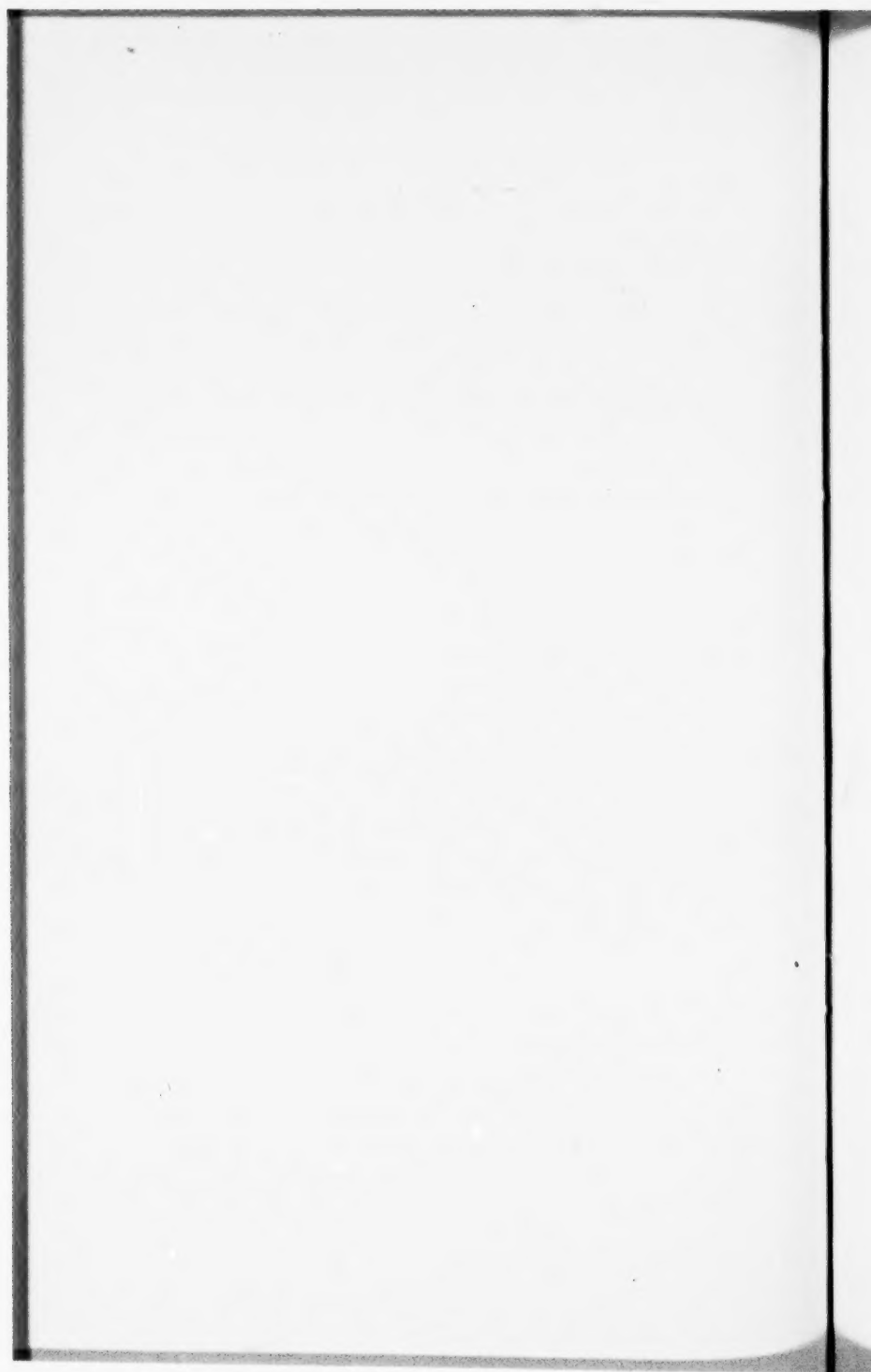
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Estates of Edward S. Ross and Mary C. Ross, de-  
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LINFIELD COLLEGE, a corporation, STATE OF  
WASHINGTON and LEONA P. SANDERSON,

Respondents.

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**PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES CIRCUIT COURT OF  
APPEALS FOR THE NINTH CIRCUIT.**

---

C. D. Robinson, as administrator de bonis non of the  
Estates of Edward S. Ross and Mary C. Ross, deceased,  
as your petitioner, respectfully prays that a Writ of  
Certiorari issue to review judgment entered June 29,  
1943, in the United States Circuit Court of Appeal for  
the Ninth Circuit, in case No. 10221 entitled "C. D.  
Robinson, as administrator de bonis non of the Estates  
of Edward S. Ross and Mary C. Ross, deceased, Appel-  
lant, vs. Linfield College, a corporation, State of Wash-  
ington and Leona P. Sanderson, Appellees" (Tr. p.  
137). For opinion see (T. p. 130-136). Following  
said Decree a petition for rehearing was duly presented to

said United States Circuit Court of Appeals and a final decision was entered denying said rehearing on July 31, 1943 (Tr. p. 138).

### QUESTIONS PRESENTED.

1. May the United States Circuit Court of Appeals grant a decree for the respondents (Tr. p. 130-137) on the grounds that said action is barred by the Statute of Limitations of the State of Washington and that laches applies for failure to institute timely proceedings, where the pleadings, findings of fact and conclusions establish that Mrs. F. E. R. Linfield at all times in said action was a Vice President and Director of the said Ross Holding Company, a corporation, and a trustee for said appellants.

2. May the Circuit Court of Appeals affirm a decision of the District Court in favor of the appellees in this action, which decision is founded on the ground that the cause of appellant is barred by the Statute of Limitations and laches of appellants, where there was substantial evidence that Mrs. F. E. R. Linfield, Trustee, was a permanent resident of and lived continuously in the State of Oregon throughout said period of limitations prior to her death, and where the undisputed evidence was that Linfield College was an Oregon corporation throughout all of the claimed period of limitation under the Statute of the State of Washington?

3. May the Circuit Court of Appeals affirm a decision of the District Court where said decision is in conflict with the uniformity of decisions by the several Circuit Courts of Appeal in a cause where the issues involved



are important to the orderly administration?

4. May the Circuit Court of Appeals affirm a decision of the District Court in favor of the appellees, Linfield College, in this action, which decision is founded on the ground, that the cause of the appellant is barred by the statute of limitations and laches of appellants, where there was substantial evidence that said Linfield College, appellee, received trust property from Mrs. F. E. R. Linfield, trustee of appellants, as a gift?

#### STATEMENT.

For purpose of brevity in this petition, we direct the Court's attention for a complete statement of the facts herein to the opinion of the said United States District Court and its findings of fact set out in (Tr. p. 65 to and including p. 108) and the opinion of above entitled United States Circuit Court of Appeals in (Tr. p. 130 to and including p. 136).

#### REASONS RELIED UPON FOR THE ALLOW- ANCE OF THE WRIT OF CERTIORARI.

It is respectfully submitted by your petitioners and relied upon as reasons for the granting of the writ that:

1. The decision of the Circuit Court of Appeals for the Ninth Circuit has the effect of being a departure so far from the accepted and usual course of judicial proceeding as to call for an exercise of this Court's power of supervision.

2. The decision of the Circuit Court of Appeals as rendered has decided an important question of local law in a way in conflict with applicable local decisions. The

decision of the Circuit Court of Appeals upholds a decision of the U. S. District Court, which is based upon the theory that the cause of action of petitioner was barred by the Statute of Limitations and by laches, and has thereby decided an important question of local law in a way in conflict with applicable local decisions.

3. That the decision of the Circuit Court of Appeals has the effect of the unlawful enrichment of the successors of a trustee after a gift of trust property.

4. The said decision of the Circuit Court of Appeals for the ninth Circuit has the effect of being a departure so far from the accepted and usual course of judicial proceedings and decisions as to do away with uniformity of decisions of said Courts and to eliminate the litigants right to have their day in court on all issues properly presented to the trial court. Further the issues involved in this petition and not considered in the decision of said Circuit Court of Appeals herein are of great importance to the public interest, as such decisions affect many and the amounts considered are large.

WHEREFORE, your petitioners respectfully pray that a Writ of Certiorari be issued out of and under the seal of this Honorable Court, directed to the United States Circuit Court of Appeals for the Ninth Circuit, directing that Court to certify and send to this Court for its review and determination, on a day certain to be therein named, a full and complete transcript of the record and all proceedings in the case numbered and entitled on its docket as No. 10221, "C. D. Robinson, as administrator de bonis non of the Estates of Edward S. Ross

and Mary C. Ross, deceased, Appellant, vs. Linfield College, a corporation, State of Washington and Leona P. Sanderson, Appellees," and that the judgment of said Court be reversed by this Honorable Court and that your petitioners may have such other and further relief in the premises as to this Honorable Court may seem meet and just.

October, 1943.

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JOHN HENDERSON PELLETIER,

Of Counsel for Petitioners.

State of California.

County of Los Angeles, ss.

John H. Pelletier and O. C. Moore, members of the Bar of the Supreme Court of the United States and counsel for the petitioners herein, do hereby certify that the foregoing petition is well founded and not interposed for delay.

JOHN H. PELLETIER,

O. C. MOORE.